

### Remarks/Arguments

Reconsideration of this application is requested.

#### **Request for Continued Examination**

A request for continued examination (RCE) is enclosed in response to the final Office Action mailed on December 31, 2007.

#### **Claim Status**

Claims 1-5, 7-19, 21 and 22 were presented. Claim 1 is amended. Claim 12, which is now incorporated into claim 1, is canceled without prejudice. Claims 15-19, 21 and 22 are also canceled without prejudice. Claims 1-5, 7-11, 13 and 14 are now pending.

#### **Claim Rejections**

Claims 1-5, 7-19, 21 and 22 are rejected under 35 USC 102(a) as anticipated by Honda (6,606,451). In response, applicant traverses the rejections and amends claim 1 to clearly distinguish over Honda. In particular, amended claim 1 recites:

*...a moving picture file creation unit that creates a moving picture file based on moving picture data acquired through the moving picture imaging by the first imaging control unit...*

*...a first recording control unit that records in a memory the moving picture file created by the moving picture file creation unit...*

Honda does not disclose or suggest these features. Honda merely teaches in column 7, lines 11-19, a technique that encodes an image signal to a recording format and records the encoded image signal on a recording medium. However, there is no disclosure or suggestion of applicant's claimed technique of creating a moving picture file from moving picture data and recording the moving picture file.

Claim 1 further recites:

*...a still picture file creation unit that creates a still picture file based on the still picture data acquired by the still picture acquisition unit...*

*...a second recording control unit that records in a memory the still picture file created by the still picture file creation unit...*

Honda does not disclose or suggest creating a still picture file based on still picture data and recording the still picture file on a recording medium. Instead, Honda merely discloses in column 7, lines 30-39 a technique that encodes various sorts of information to a recording format and recording the encoded information on a silver-halide film recording portion.

Furthermore, claim 1 recites:

*...a third recording control unit that records in the memory the still picture data acquired by the still picture acquisition unit as index picture data of the moving picture file recorded in the memory by the first recording control unit in addition to the still picture file created by the still picture file creation unit and recorded in the memory by the second recording control unit...*

In this regard, Honda merely records still image data corresponding to a silver-halide film image together with moving image data and does not disclose that when a still picture imaging is instructed at least once while a moving picture file is being recorded, still picture data is recorded at the timing when such instruction is given as an index image data of the moving picture file.

Moreover, claim 1 recites:

*...the third recording control unit records in the memory head picture data of moving picture data in the moving picture file that is recorded in the memory by the first recording control unit as index picture data of the moving picture file, when the judging unit judges that still picture imaging has not been instructed...*

Honda does not disclose or suggest a third recording control unit recording in the memory head picture data of moving picture data in the moving picture file that is recorded in the memory by the first recording control unit as index picture data of

the moving picture file, when the judging unit judges that still picture imaging has not been instructed, as recited by claim 1. Honda only reproduces a moving image corresponding to a selected silver-halide film image for a predetermined period of time (FIG. 32 and col. 29, lines 46-49). Honda does not disclose or suggest a technique that when no still picture imaging is instructed while a moving picture file is being recorded, the memory head picture data records moving picture data in the moving picture file as index image data of the moving picture file.

Since Honda does not disclose or suggest each and every element of amended claim 1, it cannot anticipate claim 1 or claims 2-5, 7-11, 13 and 14 dependent thereon. Claims 12, 15-19, 21 and 22 are canceled, without prejudice, rendering their grounds for rejection moot. The rejections under 35 USC 102 should therefore be withdrawn.

### **Conclusion**

This application is now believed to be in condition for allowance. The Examiner is urged to telephone the undersigned to resolve any issues that remain after consideration and entry of this amendment. Any fees due with this amendment may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,  
HOGAN & HARTSON L.L.P.

Date: March 31, 2008

By: \_\_\_\_\_

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